

establishing the Galveston and Red River Rail-way Company, together with the report of the committee on Internal Improvements thereon offering a substitute therefor, was taken up, substitute adopted and ordered to be engrossed.

Joint resolution proposing an amendment to the constitution of the State of Texas; read, and on motion of Mr. Taylor, laid on the table.

On motion of Mr. Sterne, a bill for the relief of William Goyens was taken up and placed among the orders of the day.

On motion of Mr. Davis, a bill making an appropriation for the improvement of the rivers was taken from the table, and on motion of Mr. Meusebach, made the special order of the day for Monday next.

A bill for the relief of Michael Pevetot, jr., and Michael J. Brake; read and ordered to be engrossed.

Joint resolution to amend the third section of the fourth article of the constitution; read, and on motion of Mr. Bigelow, postponed until Monday next.

On motion of Mr. Williams, joint resolution relative to money due the State from the government of the United States was taken up, read third time and passed.

On motion of Mr. Taylor, a bill concerning surveys of land was taken from the table and read.

Mr. Parker moved to amend the bill by striking out the proviso in the 4th section; rejected, and bill passed to a third reading.

On motion of Mr. Taylor, the rule was suspended, bill read third time and passed.

On motion of Mr. Hart, the Senate adjourned until 10 o'clock to-morrow morning.

SATURDAY, January 31, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Taylor made the following report:

The committee on Private Land Claims, to whom was referred the petition of Elijah Emberson, have considered the same, and find from the facts set forth, that Mr. Emberson was a citizen of Texas at the declaration of independence, and arrived at the age of 17 years, in the month of April 1840. Under the

law, this class of claims are not provided for, while the law of 1848 provides for persons of this age coming to Texas, by giving them lands. Many of the counties have granted certificates in these cases. We cannot see any good reason why relief should not be given in this case, as the law makers could not have intended to have excluded their own citizens. I am instructed to report the following bill, and recommend its passage.

A bill for the relief of Elijah Emberson ; read first time.

Mr. Dancy, from the committee on Internal Improvements, to which was referred a bill to incorporate the Lavaca and Guadalupe Railroad company, reported a substitute therefor, and recommended its adoption and passage.

Mr. Dancy introduced joint resolution proposing an amendment to the constitution of the State of Texas ; read first time.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, to wit :

A bill to incorporate the Brazos and Colorado Railroad company ;

A bill making appropriations for the support of the Government for the years 1852 and 1853 ;

A bill supplementary to the act to establish the Galveston and Red River Railway company ;

A bill to incorporate the Texas and Louisiana Railroad company ; and

A bill to establish the New Orleans, Texas and Pacific Railway company, for the extension of the New Orleans, Algiers and Opelousas Railway through Texas

ORDERS OF THE DAY.

A bill to incorporate the Vicksburg and El Paso Railroad company ; read third time, and passed by a constitutional majority.

A bill to incorporate the Brazos and Colorado Railroad company ; read third time, and passed by the following vote :

YEAS—Messrs. Bigelow, Bogart, Burks, Dancy, Davis, Doane, Duggan, Eddy, Ford, Gray, Hill, Kinney, Merriman, Meusebach, Parker, Reaves, Scott, Sterne, Truit and Wilson—20.

NAYS—Messrs. Grimes and Taylor.

On motion of Mr. Wilson, the rule requiring reports to lay on the table one day was suspended ; and

A bill to incorporate the Lavaca and Guadalupe Railroad company, with the report of the committee on Internal Improvements, offering a substitute therefor, was read, substitute adopted, and ordered to be engrossed.

On motion of Mr. Wilson, the rule was further suspended, bill read third time, and passed by the following vote :

YEAS—Messrs. Bigelow, Bogart, Burks, Dancy, Davis, Doane, Duggan, Eddy, Ford, Gray, Hart, Hill, Kinney, Merriman, Meusebach, Parker, Scott, Sterne, Truit, Williams and Wilson—21.

NAYS—Messrs. Grimes and Taylor—2.

A message was received from the House, informing the Senate that the House had passed a bill providing a mode of establishing certain land certificates conditionally recommended for patent, which originated in the Senate.

Mr. Ford, chairman of the committee on the Militia, to whom was referred the petition of Lasa McKenzie, reported joint resolution for his relief, which was read first time.

A bill making appropriations for the use and support of the State Government for the years 1852 and 1853 ; read third time, and, on motion of Mr. Dancy, laid on the table.

A bill for the relief of David Andrews ; read third time, and passed.

A message was received from the House, informing the Senate that the House concurred in the amendment of the Senate to a bill to relinquish the right of the State to certain lands therein named.

A bill extending the provisions of an act to reduce into one act, and to amend the several acts relating to the establishment of a General Land Office, approved December 14, 1837 ; read second time, and, on motion of Mr. Bogart, laid on the table.

A bill for the relief of William C. Swearingen ; and

A bill for the relief of Bluford Brooks and Maston Latham ; read second time, and referred to the committee on Private Land Claims.

A bill granting a ferry privilege to P. C. Shannon ; read second time, and, on motion of Mr. Bigelow, referred to the committee on Roads, Bridges and Ferries.

A bill to legalize certain headright certificates issued by the county court of Gonzales county ; read second time, and ordered to be engrossed.

The special order of the day, being the consideration of the bill to be entitled an act confirming the action of the Auditor and Comptroller, under the provisions of an act of the Legislature, to provide for ascertaining the debt of the late Republic of Texas, approved March 20, 1848 ; and the act supplementary thereto, approved February 8, 1850, together with the message

of the Governor, presenting his objections to the passage thereof, was taken up and read.

The yeas and nays were then called on the passage of the bill over the Governor's veto, and were as follows :

YEAS—Messrs. Bogart, Burks, Davis, Duggan, Eddy, Ford, Gray, Grimes, Hart, Hill, Meusebach, Parker, Reaves, Scott, Sterne, Taylor, Truit, Williams and Wilson—19.

NAYS—Messrs. Bigelow, Dancy, Doane, Kinney and Merri-man—5.

So the bill passed by a constitutional majority.

On motion of Mr. Bogart, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A bill requiring the assessors and collectors of taxes to take the number of those liable to do military duty ; read.

Mr. Bigelow moved to amend the bill by striking out after "1853," the words "of each and every year," and inserting, "and every four years thereafter ;" adopted.

On motion of Mr. Hill, the first blank was filled with "June," and the second blank with "two dollars."

The bill was then ordered to be engrossed by the following vote ;

YEAS—Messrs. Bigelow, Bogart, Dancy, Davis, Doane, Duggan, Ford, Gray, Hill, Kinney, Merriman, Meusebach, Truit, Williams and Wilson—15.

NAYS—Messrs. Burks, Eddy, Grimes, Hart, Reaves and Scott—6.

A message was received from the House, informing the Senate that the House had passed a bill to incorporate the Lake Creek Bridge and Turnpike company, with amendments ; also,

That the House had passed the following bills originating in that body, to wit :

A bill to incorporate the town of Independence ;

A bill to incorporate the Lavaca Navigation company ;

A bill concerning the headright claims to land of Elias M. Eubanks and Elias N. Eubanks, of Nacogdoches county ;

A bill to incorporate the Henderson and Burkville Railroad company ; and

Joint resolution authorizing and requiring the Treasurer of the State to pay A. J. Hamilton, Esqr., the sum of fifteen hundred dollars, for services as counsel for the State.

A bill to authorize Montgomery county to levy a road tax,

together with the report of the committee on Finance, offering amendments thereto, was read, and amendments adopted.

On motion of Mr. Dancy, the preamble was stricken out.

On motion of Mr. Taylor, the last section of the bill was stricken out, and bill ordered to be engrossed.

On motion of Mr. Hill, a bill to incorporate the Henderson and Burkville Railroad company was taken up and read first time.

On motion of Mr. Hill, the rule was suspended, bill read second time, and referred to the committee on Internal Improvements.

On motion of Mr. Bigelow, a bill to amend the 7th section of an act concerning crimes and punishments, approved March 20, 1848, together with the report of the committee on the Judiciary, offering a substitute therefor, was taken up, and substitute adopted.

On motion of Mr. Bigelow, the caption was amended so as to read "a bill in relation to punishments for capital offences."

Mr. Bigelow offered the following amendment:

"And whenever any person shall have been convicted of a capital offence, (treason excepted,) and condemned to death, the Governor of this State shall have power to commute said sentence, by substituting therefor imprisonment in the State Penitentiary, for a term not less than ten years, nor more than fifty years;" adopted, and bill ordered to be engrossed by the following vote:

YEAS—Messrs. Bigelow, Bogart, Dancy, Davis, Doane, Ford, Gray, Grimes, Hill, Merriman, Meusebach, Parker, Truit and Williams—14.

NAYS—Messrs. Burks, Duggan, Eddy, Reaves, Scott and Wilson—6.

On motion of Mr. Ford, a bill to amend the several acts for the incorporation of the city of Austin, was taken up and read.

Mr. Ford offered the following amendment, to come in at the end of section 7:

"Provided, that this act shall not be construed to conflict in any manner with the right of landing heretofore granted to Messrs. Grumbles and Tarbox;" adopted.

The bill was then ordered to be engrossed.

On motion of Mr. Ford, the rule was suspended, bill read third time and passed.

A bill to establish the New Orleans, Texas and Pacific Railway company, for the extension of the New Orleans, Algiers and Opelousas Railway through Texas; read third time, and passed by the following vote:

YEAS—Messrs. Bigelow, Bogart, Burks, Dancy, Davis, Doane, Duggan, Eddy, Ford, Gray, Merriman, Meusebach, Parker, Reaves, Scott, Sterne, Truit and Williams—18.

NAYS—Messrs. Grimes and Taylor—2.

A bill supplementary to the act to establish the Galveston and Red River Railway company; read third time, and passed by the following vote:

YEAS—Messrs. Bigelow, Bogart, Burks, Dancy, Davis, Doane, Duggan, Eddy, Ford, Gray, Kinney, Meusebach, Merriman, Parker, Reaves, Scott, Sterne, Truit and Williams—18.

NAYS—Messrs. Grimes and Taylor—2.

A bill to incorporate the Texas and Louisiana Railroad company; read third time, and passed by the following vote:

YEAS—Messrs. Bigelow, Bogart, Burks, Dancy, Davis, Doane, Duggan, Eddy, Gray, Merriman, Meusebach, Parker, Reaves, Scott, Sterne, Truit and Williams—17.

NAYS—Messrs. Grimes and Taylor—2.

On motion of Mr. Doane, a bill concerning irrigation property was taken up, read, and passed to third reading.

On motion of Mr. Doane, the rule was suspended, bill read third time and passed.

A bill to donate a league of land to the widow and heirs of Major William S. Henry, deceased; read.

On motion of Mr. Williams, the bill was amended by inserting after "land," the words "without charge."

The bill was then ordered to be engrossed.

On motion of Mr. Davis, the rule was suspended, bill read third time, and passed unanimously.

Mr. Duggan, chairman of the committee on Enrolled Bills, reported a bill providing a mode of establishing certain land certificates conditionally recommended for patent, correctly enrolled, and that the same was this day deposited with the Governor for his signature.

Mr. Eddy introduced a bill for the relief of Francis M. Diamond; read first time.

On motion of Mr. Eddy, the rule was suspended, bill read second time, and referred to the committee on Public Lands.

A bill to enable persons who have lost their evidence of claim against the late Republic or State of Texas, to obtain duplicates; read second time, and, on motion of Mr. Scott, laid on the table.

A bill to provide for payment, in part, of the debt of the late Republic of Texas, with the report of the committee on Finance, offering amendments thereto, was read, and amendments adopted.

Mr. Gray moved to amend the caption so as to read "a bill to

provide for the payment of that part of the public debt held by citizens of Texas;" adopted.

Mr. Gray offered the following amendment:

Amend in 13th line, by striking out "passage of this act," and insert "at the time the claim was audited under said laws;" adopted.

Mr. Taylor moved to adjourn until 9 o'clock Monday morning, upon which the yeas and nays were as follows:

YEAS—Messrs. Burks, Davis, Duggan, Eddy, Grimes, Parker, Reaves, Scott, Taylor and Williams—10.

NAYS—Messrs. Bigelow, Bogart, Dancy, Doane, Ford, Gray, Hill, Merriman, Sterne and Truit—10; lost.

Mr. Dancy moved to adjourn until 10 o'clock Monday morning; lost by the following vote:

YEAS—Messrs. Bigelow, Bogart, Dancy, Doane, Gray, Merriman and Truit—7.

NAYS—Messrs. Burks, Davis, Duggan, Eddy, Ford, Grimes, Hill, Parker, Reaves, Scott, Sterne, Taylor and Williams—13.

On motion of Mr. Taylor, the Senate adjourned until half past 9 o'clock Monday morning.

MONDAY, February 2, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Sterne presented the petition of James Irwin, guardian of Thomas A. R. Duncan; referred to the committee on the Judiciary.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, to wit:

A bill to incorporate the Texas Central Railroad Company, and

A bill to incorporate the Brownsville Railroad Company.

Mr. Taylor, chairman of the committee on Private Land Claims, reported back to the Senate a bill for the relief of Bluford Brooks and Mastoro Latham, and recommended its passage.

Mr. Grimes, chairman of the committee on Finance, reported back to the Senate a bill fixing the rate at which the Texas stock of indemnity shall be paid at the treasury, and recommended its passage.

Mr. Dancy made the following report:

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